

REMARKS**Summary of the Office Action**

In the Final Office Action dated February 24, 2004, claims 1-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,583,334 to Baumann (hereinafter "Baumann"). The Advisory Action dated June 2, 2004, states that the amendment filed on May 21, 2004 in response to the Final Office Action dated February 24, 2004 will be entered for purposes of appeal.

Summary of the Response to the Office Action and the Advisory Action

Applicant resubmits the arguments previously submitted with the reply filed May 21, 2004, and requests reconsideration with regard to the rejection of claims 1-10. Applicant requests the favor of an interview prior to examination on the merits. Applicant adds new claims 11-13. Accordingly, claims 1-13 are now pending in this application.

The Rejection under 35 U.S.C. § 102(b)

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Baumann. Applicant amends independent claims 1-3 as provided herein. Applicant respectfully submits that, in the instant invention as recited in amended independent claims 1-3, a first optical sensor arranged in parallel with one face of the plate-shaped or sheet-shaped body includes a first light emitting section and a first light receiving section. A second optical sensor arranged in parallel with another face of the plate-shaped or sheet-shaped body includes a second light emitting section and a second light receiving section. Applicant respectfully submits that both the first light emitting section and the first light receiving section are arranged in parallel with

one face of the plate-shaped or sheet-shaped body, and both the second light emitting section and the second light receiving section are arranged in parallel with the other face of the plate-shaped or sheet-shaped body.

With regard to the rejection of claims 1-10, the Advisory Action states that FIGs. 5-8 clearly show that there are indeed sensors on opposite sides of the object. Applicant respectfully submits that, as depicted in FIGs 5-8 and as discussed throughout the Baumann disclosure, in contrast to the embodiments of instant invention, Baumann arranges only light transmitters on one side of the object and only light receivers on the other side of the object.

With regard to FIG. 8 of Baumann, light transmitters 11i are positioned on one side of objects 42 and 43, and light receivers 12i are disposed on the other side of the objects 42 and 43. With regard to FIG. 8, the correspondence between light transmitters 11i and light receivers 12i is discussed at column 5, particularly lines 3-13, of Baumann.

With regard to FIGs. 5-7, a line of light transmitters 11i is vertically arranged on one side of the object 42 or 43. A line of light receivers 12i is vertically arranged on the other side of the object 42 or 43. With regard to FIGs. 5-7, the correspondence between light transmitters 11i and light receivers 12i is discussed at columns 9-10, particularly column 9, lines 56-63, of Baumann.

Applicant respectfully submits that as depicted in FIGs. 5-8 and as discussed throughout the Baumann disclosure, the light transmitters 11i of Baumann are arranged only on one side of the object, and the light receivers 12j are only arranged on the other side of the object. Thus, Baumann does not teach arranging both a first light emitting section and a first light receiving section in parallel with one face of the plate-shaped or sheet-shaped body, and arranging both a second light emitting section and a second light receiving section parallel with the other face of the plate-shaped or sheet-shaped body. Baumann does not teach arranging a light optical sensor,

which includes a first light emitting section and a first light receiving section, parallel to one face of the body, and arranging a second light optical sensor, which includes a second light emitting section and a second light receiving section, parallel to the other face of the body.

In view of the foregoing remarks, Applicant respectfully submits that Baumann does not teach or suggest each feature of independent claims 1-3. As pointed out in MPEP § 2131, “[to] anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art of reference. Verdegaal Bros. V. Union Oil Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Thus, Applicant respectfully submits that independent claims 1-3 are in condition for allowance as not being anticipated by Baumann. Moreover, Applicant submits that claims 4-10 are allowable for at least the same reasons as set forth above with regard to independent claims 1-3 upon which they depend, respectively, and for the additional features that each recites. Accordingly, Applicant respectfully requests that the rejection of claims 1-10 under 35 U.S.C. § 102(b) be withdrawn.

New Claims 11-13 are Patentable

Applicant adds new claims 11-14. Applicant respectfully submit that new claims 11 to 14 are patentable over the art of record.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims 1-13. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

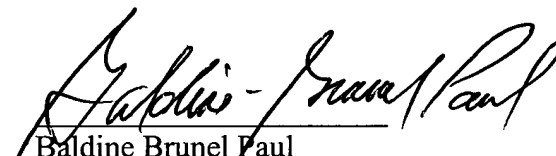
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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